

UNITED STATES PATENT & TRADEMARK OFFICE

Examiner: BLUMEL, Benjamin P. Art Unit: 1648

Re: Application of: SUNG, Young Chul, et al.

Serial No.: 10/571,196

Filed: October 2, 2006

For: **VACCINE COMPOSITION COMPRISING IL-2
ADJUVANT ENCAPSULATED IN CONTROLLED-
RELEASE MICROSPHERE**

Confirmation No.: 3767

CERTIFICATE

I hereby certify that this correspondence is being EFS-Web or facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 28, 2008.

LUCAS & MERCANTI, LLP

BY: 

Yun H. Choe, Reg. No. 61,798

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

February 28, 2008

Sir:

Responsive to the Restriction Requirement mailed on January 31, 2008, the following remarks are made:

The Examiner indicated that there are more than one species of the generic invention and required applicants to elect a particular species from claims 2 and 3. In response to the election of species requirement, Applicants elect "viruses" in claim 2 and "influenza virus" in claim 3, in the event that no generic claim is finally held allowable.

It is believed that the claims 1-8 read on the elected species.

This response to the election of species requirement is made with traverse. Reconsideration is therefore respectfully requested. It is believed that the differences of species is not such as to require separate examinations. Accordingly, it is urged that, in the interest of efficiency in prosecution, all the species be examined together.

D. FEES

This response is being filed within the shorted period for response. No further fee is believed to be due. If, on the other hand, it is determined that further fees are necessary or any overpayment has been made, the Commissioner is hereby authorized to debit or credit such sum to Deposit Account No. 02-2275.


Pursuant to 37 CFR 1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to the above-mentioned deposit account.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

LUCAS & MERCANTI, LLP

By:



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